

PATENT

Docket No.: 19603/2760 (CRF D-2404)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------|----------------------------------|---|------------|
| Applicant(s) : | Wu et al. |) | Examiner: |
| | |) | C. Collins |
| Serial No. : | 09/350,393 |) | |
| | |) | Art Unit: |
| Confm. No. : | 7999 |) | 1638 |
| | |) | |
| Filed : | July 9, 1999 |) | |
| | |) | |
| For : | METHOD OF MAKING WATER STRESS OR |) | |
| | SALT STRESS TOLERANT TRANSGENIC |) | |
| | CEREAL PLANTS |) | |

DECLARATION OF RAY J. WU

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Box:

I, RAY J. WU, hereby declare:

1. I am an inventor of the above-identified application.
2. I am a coauthor with Weizhong Cheng, Jin Su, Baochen Zhu, and T.L. Jayaprakash on the publication entitled "Development of Transgenic Cereal Crop Plants that are Tolerant to High Salt, Drought and Low Temperature," Frontiers in Biology: The Challenges of Biodiversity, Biotechnology, and Sustainable Agriculture, Chou and Shao (eds.), Academia Sinica, Taipei (1998) ("Cheng").
3. On November 16-22, 1997, I presented on the subject matter described in Cheng at the identified symposium in the Academia Sinica, Taipei, Taiwan. Cheng was published after July 13, 1998.
4. The invention described and claimed in the above-identified application was conceived only by myself and my co-inventor, Tuan-Hua David Ho. In making our invention, experiments were conducted by us and under the direction of all or some of us.
5. Weizhong Cheng, named as a co-author of Cheng, was a post-doctoral fellow in my laboratory at the time Cheng was prepared. Weizhong Cheng performed some of the experiments described in Cheng under my supervision. Weizhong Cheng did not

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contribute to the conception of the invention as described and claimed in the above-identified application.

6. Jin Su, named as a co-author of Cheng, was a post-doctoral fellow in my laboratory at the time Cheng was prepared. Jin Su performed some of the experiments described in Cheng under my supervision. Jin Su did not contribute to the conception of the invention as described and claimed in the above-identified application.

7. Baochen Zhu, named as a co-author of Cheng, was a graduate student in my laboratory at the time Cheng was prepared. Baochen Zhu performed some of the experiments described in Cheng under my supervision. Baochen Zhu did not contribute to the conception of the invention as described and claimed in the above-identified application.

8. T.L. Jayaprakash, named as a co-author of Cheng, was a post-doctoral fellow in my laboratory at the time Cheng was prepared. T.L. Jayaprakash performed some of the experiments described in Cheng under my supervision. T.L. Jayaprakash did not contribute to the conception of the invention as described and claimed in the above-identified application.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Nov. 21, 2002

Ray J. Wu
Ray J. Wu

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Cornell University
Attn: Ray Wu
Section of BMCB, 316 Biotech Bldg.
Ithaca, NY 14853

Deposited on Behalf of: Cornell University

Identification Reference by Depositor:

Patent Deposit Designation

Plasmid pJS112

PTA-309

The deposit was accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above.

The deposit was received July 2, 1999 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will not inform you of requests for the strain.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested July 7, 1999. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: July 8, 1999

cc: Mike Goldman (Ref. Docket 19603/2381)

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Cornell University
Attn: Ray Wu
Department of Molecular Biology & Genetics
316 Biotech Bldg.
Ithaca, NY 14853

Deposited on Behalf of: Cornell Research Foundation, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Plasmid DNA: pJP21 DNA in plasmid vector pBluescript SK
Plasmid DNA: pJPM001 DNA in plasmid vector pBluescript SK

PTA-3928
PTA-3929

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received January 3, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 29, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, Patent Depository

Date: February 6, 2002

cc: Georgia Evans
Ref: Docket or Case No.: CRF 0-2404